

## AGAINST JOHN C. SHEEHAN

### REJECTION OF HIS LIST OF ELECTION OFFICERS UPHOLD IN COURT

Justice Fitzgerald holds that No Case  
Has Been Established for Interference  
with the Tammany Executive Committee  
Committee's Action in the Ninth District

John C. Sheehan's application for a mandamus to compel the acceptance of his list of election officers in place of that submitted by the Tammany Executive Committee of the Ninth Assembly district by Frank J. Goodwin, who is competing with Sheehan for the Tammany leadership of that district, was dismissed by Justice Fitzgerald in a ruling pronounced today in the Supreme Court. Sheehan brought suit against Daniel F. McMahon, as chairman of the Executive Committee of Tammany Hall, to compel him to certify the Sheehan list as the authentic list, and to require the Police Commissioners to file the Sheehan list with the

The burden of the argument of ex-Judge Roger A. Pryor, who appeared in behalf of Sheehan was that the central body of the organization had no right either by custom or the election law to dictate to the Assembly districts Mr. Sheehan only asked in his district for home rule, which had always been accorded to the different districts, Mr. Pryor said. As the leader of the Ninth Assembly district Mr. Sheehan contended he had the right to submit the list of election officers and that Chairman McMahon had only to perform the perfunctory act of certifying the list he received from the leader.

Deane's Nicolli, in behalf of the organization, urged that the election law contained no such provision as that alleged and that the election law did not permit the removal of the lists submitted from the different districts by the executive body. The opinion of Justice Fitzgerald runs:

"The complaint alleges that the respondents McMahon, as Chairman of the Executive Committee of the New York Democratic County Committee, has filed with the Police Board an unauthorized and irregular list of persons for Democratic election officers in the Ninth Assembly district, and summary process is invoked under the provisions of the primary election law (see 2, chapter 437, laws of 1906) directing the said McMahon to substitute

"From the papers submitted on both sides it appears that the Democratic party in the county is organized with general committees in each one of the Assembly districts thereof, comprised, a County General Committee, an Executive Committee, consisting of one member from each of the Assembly districts. The Assembly district is the unit of representation and all powers are therein reserved except such as, for the general welfare of the county, require the action of the county or the County Committee and the Executive Committee. Complainant is the executive member from the Ninth district, and respondent, Mo-

"The Executive Committee by resolution, a duly convened meeting thereof, created a sub-committee called the 'Committee on Election of Officers', and invested this last mentioned body with authority to supervise the selection of election officers, giving it, in the words of the resolution, 'full power to act in the manner it may deem proper'. It is not denied that every citizen has the right to be represented, and that the opportunity of being represented, at this meeting, and by no one else, does appear was the action of the meeting challenged upon either of the questions of power or propriety. It can only, therefore, be reasonably inferred that such action was in conformity with ancient usage, which constantly

"It further appears from the answering affidavit that this committee rejected the list of names presented in behalf of the complainant and took certain steps to provide for the validity resulting from such rejection. The reasons which induced the committee to take such action are set forth at length in the answering affidavit, and need not be alluded to here. The complainant can scarcely claim that they are immaterial, particularly in view of the length and vigorously worded affidavit filed by him in reply.

"My attention has been called to the matter of Butting vs. Dady, but it has no bearing upon this issue, for the reason that the facts presented upon that application and passed upon

By the learned court. Were widely different from those disclosed by the record before me. The complainant has failed to establish a case calling for the intervention of the court, and these proceedings must, therefore, be dismissed.



The charges referred to in the opinion against Sheehan were to the effect that he was acting adversely to the party.

Will Start Up a Big Steel Mill.

DANVILLE PA. Aug. 18.—The North Branch steel plant of this place was sold Tuesday to a purchaser from the Danville Iron and Lumber Steel Company, capitalized at \$1,200,000. The plant was erected twelve years ago, but was never operated. The purchase included not only the steel plant, but also the plate and mill mill, the North Branch blast furnace and

**Stone-Throwing Nuisance on the East Side**

The boys on the lower east side have lately taken up a new pastime which has not only annoyed pedestrians but has placed many people in serious danger. Armed with pocketfuls of pebbles, they like to hock the chimney on the tall tenement houses and pelt passers-by. Many children have been struck, and the police of several precincts have been asked to put a stop to the nuisance by which scores of houses around have suffered extensively.

A cartoon illustration of a boy standing on a roof, throwing a stone at a chimney. The boy is wearing a cap and a striped shirt. The chimney is on the right, and the stone is in mid-air, heading towards it. The background shows a simple horizon line.

Let go or die. That's the alternative of the shipwrecked man with the money bags. If there was only some one to throw him a life preserver, he might save both life and money. Without help it is let go or die. A great many people have a like alternative before them. Business men come to a point where the doctor tells them that they must "let go or die." Probably he advised a sea voyage or mountain air.

There's an obstinate cough that won't be shaken off. The lungs are weak and per-  
haps inflamed. There is emaciation and  
other symptoms of disease, which if un-  
skillfully or improperly treated terminate  
in consumption.

Thousands of men and women in a like  
condition have found complete healing  
by the use of Dr. Pierce's Golden Medical  
Discovery. It purifies the blood. It  
carries off from the system all refuse and  
poisonous matter. It gives the infected  
organs the strength to throw off disease.

"I was taken sick and felt so stupid I could  
hardly get about," writes a letter from  
Given, Jackson Co., W. Va. "I had smothered  
spells. I went to our best physicians and they  
did all they could, but I grew weaker and  
worse and got so weak I could hardly go about."

The two doctors I had said I had lung trouble. I had an awful cough and one day my aunt told me of Dr. Pierce's Golden Medical Discovery. I sent and got a bottle of both kinds—the 'Golden Medical Discovery' and 'Favorite Prescription.' When I had taken that it helped me so much I sent and got more. I have taken of both medicines altogether ten bottles. Now my lungs do better than they have ever done before. I am stout now and as well as ever in my life."

Given away. The People's Common Sense Medical Adviser is sent free on receipt of stamps to pay expense of mailing. *Only*, the book contains 1008 pages and is illustrated with 1000 one-cent stamps for the paper bound edition or 31 stamps for the cloth bound. Address Dr. R. W. Pierce, Buffalo, N. Y.

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CADETS COME INTO PORT.	Business Personals.
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this has a tendency to make those who are new at the game what is known as "gun-shy," Capt. Ingersoll declared, however, that there had been an unusually small amount of gun-shyness on board during the present practice, and that the percentage of hits made by the cadets had been exceptionally high.

The Annapolis left Gardiner's Bay on Friday. She will leave for West Point at 5 o'clock this morning, so as to take advantage of the flood tide. It is expected that she will arrive at Hampton Roads on the 20th, but Capt. Ingersoll received word not to go there or to Fort Monroe, on account of the yellow fever quar-

commitment to jail was at her own request, as she said she wished to be alone and away from everyone.